



CITY OF WILLIAMSBURG

Codes Compliance Division

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QUESTIONS & ANSWERS REGARDING THE REVISED RENTAL HOUSING INSPECTION PROGRAM

Q: Why can't the City just step up enforcement of existing ordinances and codes instead of adopting a new program?

A: Existing ordinances fall short, even with greater enforcement. For instance, under current law the City can not conduct uninvited interior inspections without an inspection warrant. Severe interior deterioration of buildings, if left uncorrected, not only endangers tenants, but will also eventually result in neighborhood blight and decline. Moreover, under current law, even exterior inspections are limited in most cases to conditions observable from the street or public access areas, such as driveways and walkways. Periodic interior inspections also help determine if buildings are configured for occupancy exceeding legal limits.

Q: Why inspect rental housing?

A: State law authorizes rental inspection programs in recognition that rental properties, in certain situations, can contribute disproportionately to blight and neighborhood decline. Older housing areas near colleges are particularly vulnerable. In Williamsburg, rental units in older neighborhoods near the College and Historic Area generate a substantial number of building and city code complaints and are some of the highest rental unit concentrations in the city.

Q: What evidence does the City have to indicate that there is a problem with rental housing in certain neighborhoods?

A: The City has gathered data on housing conditions in neighborhoods within the City, including areas adjacent to the College of William and Mary and the Colonial Williamsburg Historic Area, which contains a significantly higher percentage of rental housing than the City in total. When combined with age of buildings, eleven years of property maintenance enforcement history, and our one year of enforcing property maintenance provisions under the previous rental inspection program in the four rental program districts, it is evident that these areas are particularly susceptible to housing deterioration and property maintenance issues. As a result, the City Council re-designated these areas as rental inspection districts under the new ordinance. Under that designation, these areas are subject to the periodic inspection of rental units.

Q: Am I required to register rental property?

A: No, but you are required to provide the Code Compliance Office with notice that you own rental property located within a district. The city will send out an initial notice to all property owners in the established districts to inform them of the rental program by the end of August. Included in the notice will be a rental property identification form that property owners are required to complete and send back to the Code Compliance Office by October 29, 2004. This form, unlike registration, does not require that any information be provided regarding the tenants or the lease. The owner is required to identify all rental properties he or she owns within the districts, and provide current contact information for the owner. Owners are required to provide the Code Compliance Office with notice if the property is sold. The Code Compliance Office will expect to receive notice of the sale from the seller, and notice of acquired property from the purchaser. Inspections (when required) will be scheduled once the property identification form is received.

Q: What happens to a rental property owner in one of the four districts if they fail to notify the city that they have a rental property?

A: Rental property owners that intentionally fail to comply with notification requirements will be subject to a \$50.00 fine imposed every thirty days until notice is received. The city may also initiate other court proceedings to insure compliance with the program. However, we realize that some people that may purchase or convert units in the future may not be aware of the program. In these cases, we will provide notice to the owner and allow the new owner thirty days to properly notify us of their rental unit before the fine will be assessed. However, new owners who are aware of the program are required to notify the Code Compliance Office of the transfer of title or the conversion, whether they receive notification of the program from the Code Compliance Office or not.

Q: What do I do if I sell a rental property in one of the districts?

A: Upon the sale of a rental property to another person, both the seller and purchaser are required to notify us within 30 days of the sale.

Q: What if I buy a home that is currently owner occupied, but I wish to place it on the rental market in one of the Rental Inspection Districts?

A: The new owner would need to contact the Code Compliance Division within 30 days after taking ownership to obtain and complete a Rental Property Identification form. An inspection will be scheduled after we receive the form sometime in the next thirty days.

Q: What fees are involved?

A: There are no fees associated with the property identification form. All fees are based on the inspections performed. There is a \$50 fee for an initial or periodic inspection. This fee is due before the inspection is performed and will cover any first re-inspection of items found during the initial or periodic inspection. However, if items remain uncorrected after the first re-inspection, a \$50.00 fee will be charged for each subsequent inspection necessary to verify that the violations have been corrected.

Q: Can't the city use the \$50.00 re-inspection fee to generate more money by finding new things at each inspection?

A: No. The re-inspection fee does not apply to a new found item on a future inspection. Additional violations of the building code will be cited, if seen, and the owner is required to allow for re-inspections until all items noted are corrected. No fee will be charged for any re-inspection resulting from an item not originally cited. Although inspections are a human process and an item could be overlooked, this should be a rare, if ever, occurrence. In addition, we recognize that sometimes things get lost in the communication between parties. We may have intended one thing, but you thought we were looking for something else. We would not charge the re-inspection fee in obvious cases of miscommunication as long as an attempt to correct the problem can be observed.

Q: Doesn't the Code Compliance Official have to wait until the unit is unoccupied to inspect?

A: No. The state code provides for annual inspections with a possible 4 year exemption if the unit passes inspection with no defects that affect the safe, decent and sanitary occupancy of the unit. Inspections are permitted whether or not the units are occupied. It is the responsibility of the owner to arrange an inspection time with both the Code Compliance Administrator and the tenant. Most leases allow landlords entry to perform maintenance and repairs, but you should talk with your tenant(s) regarding the time of the inspection.

Q: Can I or my tenant refuse to allow code compliance officials to inspect?

A: State law allows for entry into rental units in the rental inspection program. If the tenant(s) or owner refuses to allow the Code Compliance Official to enter the premises to inspect, the City will seek an administrative search warrant from the magistrate. At that point, the Code Compliance Official may enter the premises without the permission of the owner or the tenant.

Q: What is the frequency of inspection for a covered rental unit?

A: Properties that have already received a Certificate of Compliance from our previous ordinance, or are found to have no or limited numbers of minor violations that do not affect the safe, decent or sanitary living conditions on an initial inspection will be issued a four year Certificate of Compliance (exemption from inspection). The owner is still required to repair any violation noted by the Code Compliance Official, but a minor violation will not prevent you from receiving a four year certificate. The only way an owner can lose an exemption is by having a building code violation cited during the four year exemption period or if you fail to correct cited minor violations in the time period provided after an initial or periodic inspection. If the building code official cites problems that do affect the safe, decent or sanitary living conditions in the unit, or cites a substantial number of problems that indicate a general lack of maintenance of the unit or property, then the property will receive a one year Certificate of Compliance once the violations are corrected. The unit may on the next or subsequent inspection receive a four year certificate, provided that conditions have been remedied. The owner is required to schedule a subsequent inspection at the end of the period indicated in the Certificate of Compliance.

Q: What happens if a unit loses the four year certificate?

A: The property reverts back to an annual inspection status, until the next or a subsequent inspection reveals that conditions have been remedied and no new disqualifying conditions have arisen.

Q: As an owner or manager of rental housing, will I need to bring a building covered under the program up to current building code standards?

A: No. The property maintenance code does not allow a locality to require “retrofitting” to meet the current building codes – this is state law and cannot be modified by the City. Generally, properties need to meet the code applicable when they were constructed. An exception is the requirement of smoke detectors in all residential units or if an unsafe condition is found.

Q: If a violation is found, will the City automatically issue a citation for appearance in court?

A: No. Violations of the building code will be cited by a field correction notice. As long as the problems are repaired in the time provided, no additional action will be taken. Items that don’t affect the safe, decent and sanitary occupancy of the unit will be given a reasonable time to correct. Items that do affect the safe, decent and sanitary occupancy of the unit must be corrected immediately, and the Code Compliance Official may order the structure to be vacated until repairs are completed.

Q: I can’t finish correcting the violations in the time you provided. What happens then?

A: Generally, the Code Compliance staff will be giving generous completion times to complete the task. Our goal is to see that units covered under the program are safe and maintained, not try to “catch” someone in a code violation. We realize that sometimes contractors are not always available or the required repairs may be a part of a larger scheduled maintenance or upgrade. In situations where the violations do not directly affect the safe occupancy of the building or create a problem to the neighborhood, we will consider requests for extensions if they can be justified. Example of situations in which an extension may be justified include items such as written contracts for repairs with definite start and finish dates, plans developed for alterations or additions, extended periods of inclement weather that have substantially inhibited work, or other documentation that supports the granting of an extension. Extension generally will not be granted in cases where work has been turned over to a tenant to complete and they have failed to do so, or where there is no documentation supporting that attempts have been made to remedy the violations.

Q: Doesn’t a Certificate of Compliance being granted mean that the property no longer needs to be inspected for the period of the certificate?

A: If the Code Compliance Official cites any building code violation during an inspection, that violation must be corrected. The City has the right to make sure that violation has been remedied by a subsequent inspection. A Certificate of Compliance alone is not evidence of a completely satisfactory inspection until all problems are remedied, and is not evidence that no violations exist. It is evidence that there are no violations that affect the safe, decent and sanitary occupancy of the unit.

Q: What happens if I don't contact you for a re-inspection by the date you established?

A: We hope this will not be the case, but there are several consequences if you fail to schedule and obtain a re-inspection by the due date. The first step will be to send you a Notice of Violation as required by the state building code. This step can be included with the initial correction notice if the violation is severe enough to compromise the safe, sanitary, or decent living conditions of the occupant. You will lose your four year exemption. Issuance of a Notice of Violation will lead to court action and potential fines.

Q: Will I be a "criminal" if the City takes me to court?

A: No. Violations of this program will only be litigated if a reasonable attempt to correct problems is not demonstrated. Offenses cited in this program have civil, not criminal, penalties. Only violations of the New Construction Code are prosecuted as criminal cases.

Q: Will I be able to occupy my units if they have a violation found during the inspection?

A: Yes. Only severe violations involving safe, sanitary, or decent provisions of the state building code prohibit occupancy. Units may be occupied while minor repairs take place. Occupancy is not a bar to re-inspection. Existing property maintenance policies will be used to determine the degree of hazard and compliance guidelines.

Q: Will a building owner be required to paint the interior at the change of occupancy and are interior colors subject to architectural guidelines?

A: No. Only wall/ceiling conditions will be evaluated. Interior wall coverings must only be clean, sanitary and free from holes and major breaks. Interior wall covering colors, as well as any interior appearance issues, are not code violations and are not subject to architectural review guidelines.

Q: What if I don't agree with what the inspector cited me for?

A: The first step is to talk with the inspector. Give him/her a call to discuss your concerns. Hopefully we can help you understand the violation better and provide you with the reason it was cited. If after you have consulted with the inspector you are still not satisfied that the violation exists, feel free to contact the Code Compliance Administrator to discuss your concerns. We hope that one or both of these steps satisfy any concerns. However, cited technical violations or covered administrative procedures found in the Virginia Uniform Statewide Building Code can be taken through a formal appeals process. We will be happy to assist you through this procedure should you wish to take advantage of this process.

Q: What kinds of problems have been encountered during the past year that will help me through my inspection and allow me to get the four year exemption?

A: The best way to address this is from two perspectives; administrative and technical.

The most common administrative problems are:

- Owners or their agents seldom call our office before a compliance date to schedule a re-inspection.
- Failing to register a new rental unit or notify us of a change of ownership.
- Not taking advantage of printed material and checklist to prepare a unit for inspection.

The most common technical issues found are:

- Lack of working smoke detectors. This can be as simple as having a removed battery to not having any detectors at all. A smoke detector is required on each floor level of the unit. One should be located in the area of sleeping rooms. When installing detectors, make sure you follow the manufacturer's installation instructions. A detector mounted in a wrong location on the wall or ceiling can be as bad as not having one at all.
- Make sure windows can be opened and that they will stay open on their own. Using sticks and trash cans can be dangerous as props, especially in an emergency. Most windows that have lost their counter-balance or spring can be repaired for less than \$2.00 per window.
- Temperature and pressure valves (T & P valves) on water heaters and boilers need to be in good working order. Make sure they have a discharge pipe that takes potential scalding water towards the floor.
- Watch for electrical receptacles that do not have a ground wire that have been replaced with grounded type devices. This occurs when a two pronged receptacle is replaced with a three. The code requires that you replace a two wire receptacle with the same unless there is an appropriate ground wire. Another option is to install a ground fault circuit interrupter type receptacle (GFCI). These do not require a ground to operate properly and will provide the required protection for the new three pronged receptacles.

Our office is always available to answer questions and provide technical support **before** your inspection so that it can go smoothly. Our goal is for you to have smooth sailing through the inspection process.

Communication! Whether it is understanding the results from an inspection or needing additional time to comply, talk to us. Problems generally arise when communication stops.

Have additional questions?

Contact the City of Williamsburg Code Compliance Division at (757) 220-6136.